

FILED
U.S. Bankruptcy Court
Western District of Washington

JUL 27 2004

MARK L. HATCHER, CLERK
OF THE U.S. BANKRUPTCY COURT

Honorable Thomas T. Glover
Chapter 7

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

No. 04-19030-TTG

In Re:

Ernest Marion Dill,
(437-72-4674)

Debtors.

**MOTION FOR EX PARTE
ORDER DIRECTING
APPEARANCE AND
EXAMINATION PURSUANT
TO BANKRUPTCY RULE
2004 AND REQUIRING
PRODUCTION OF
DOCUMENTS**

PHILLIP NUDELMAN, M.D. ("NUDELMAN"), creditor of the above-named debtor, hereby moves, pursuant to Bankruptcy Rule 2004(a), for an Order authorizing a Rule 2004 examination of Ernest Marion Dill ("Debtor").

Based on the attached Declaration of David M. Tall, Nudelman also requests that the Debtor be required to produce the following documents in their possession or under their control at the time of hearing:

MOTION RE 2004 EXAMINATION-1
F:\DMT\Nudelman\Dill\Rule 2004 mot to exam.doc 7/22/04 (ljf)
#99052.007

OSERAN HAHN SPRING & WATTS P.S.
10900 NE Fourth Street #850
Bellevue WA 98004
Phone: (425) 455-3900
Facsimile: (425) 455-9201

1 1. DEFINITIONS:

2 a. Relating To: The word "relating to" as used herein means
3 pertinent, relevant or material to, evidencing, reflecting on, having a bearing on, or
4 concerning, affecting, discussing, dealing with, considering or otherwise relating to in
5 any manner whatsoever the subject matter referred to herein, and connected with
6 property located in or transactions occurring in the USA or Canada.

7 b. Documents: The word "document" as used herein relates to
8 writings of every kind and character pertaining to the designated subject matter,
9 including, without limitation, the original or any copy, regardless of origin or location,
10 of any contract, agreement, letter interoffice or intra-office memorandum, diary, file,
11 note, statement, bill, invoice, purchase order, policy, telegram, correspondence,
12 summary receipt, schedule, manual, financial statement, audit, tax return, draft,
13 articles of incorporation, by-laws, stock books, minute book, deed, security agreement,
14 mortgage, deed of trust, title or other insurance policy, report, lease, rental agreement,
15 record, study, hand-written note, map, drawing, working paper, chart, paper, draft,
16 index page, microfilm, video tape, data sheet, data processing card, business forms,
17 journals, ledgers or any other written, typed, printed, photocopied, dittoed,
18 mimeographed, multilithed, recorded, transcribed, punched, taped, filmed,
19 photographic or graphic matters, however produced or reproduced, to which you have
20 or have had access, relating to the designated subject matter.

1 2. DOCUMENTS REQUESTED:

2 Any and all papers and documents relating to:

3 a. All assets in which you, your spouse, jointly or separately, alone
4 or in conjunction with any other person or entity have a legal or security interest,
5 regardless of whether such assets or property are real or personal, tangible or
6 intangible.

7 b. Contracts, agreements, notes (negotiable or non-negotiable),
8 mortgages or other security agreements to which you, your spouse, jointly or
9 separately, alone or in conjunction with any other person or firm are a party.

10 c. All personal income tax returns for the past five (5) years and all
11 income tax returns for any business interest either in or not in Debtor's or spouse's
12 name including any sole proprietorship, partnership, or corporation.

13 d. Copies of all financial statements delivered to anyone during the
14 last five (5) years. (This is to include personal statements and financial statements of
15 sole proprietorship, partnership, corporation or other business in which said Debtor or
16 spouse has stock or an interest of any kind.)

17 e. All statements of income, wages, salary, fees, bonuses or
18 commissions earned by you or your spouse, including wage stubs and/or payroll slips
19 and any and all other proofs of such income or other income as said Debtor or spouse
20 may have earned for the last five (5) years.
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1 f. Any and all bank books, including savings books and checking
2 account records, in Debtor's or spouse's name or the name of any other member of
3 said Debtor's family who is holding any monies on behalf of and for the above-named
4 Debtor or spouse for the last five (5) years.

5 g. Copies of all records in Debtor's or spouse's possession or under
6 his/her control or spouse's control, not specifically set forth above, which show
7 ownership of, or interest in any real or personal property.

8 h. Any profit and loss statements and balance sheets reflecting
9 condition of any sole proprietorship, partnership or corporation in which said Debtor or
10 spouse has stock or interest of any kind.

11 i. All ledgers, journals, accounts receivable, accounts payable, and
12 records reflecting assets, liabilities, payments made and payments received for any sole
13 proprietorship, partnership or corporation in which said Debtor or spouse has stock or
14 interest of any kind.

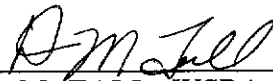
15 j. All contracts and all correspondence between Debtor and Ernest
16 M. Dill and/or Investment and Estate Strategies, L.L.C.

17 Nudelman further requests that the Court order the Debtor to appear for
18 examination at the law offices of Oseran Hahn Spring & Watts, P.S., 10900 Northeast
19 Fourth St., Suite 850, Bellevue, Washington, 98004, on the **23rd of August, 2004, at**
20 **10:00 a.m.**, continuing as necessary until the examination is completed.
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1 Debtor will be examined under oath in relation to acts, conduct or property of
2 the Debtor, or to any matter which may affect the administration of the Debtor's estate,
3 or right to discharge; and acts, conduct or property of the Debtor that relate to the
4 liabilities and financial condition of the Debtor, the operation of the Debtor's business
5 and the desirability of the continuance thereof, the source of any money or property
6 acquired or to be acquired by the Debtor and any other matter relevant to the case.
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8 DATED: July 22, 2004.

9 OSERAN, HAHN, SPRING & WATTS, P.S.

10 By 
11 DAVID M. TALL, WSBA #12849
12 Of Attorneys for Phillip Nudelman, M.D.
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